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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,213	12/04/2001	Michael T. Tessmer	29757/AG54	6792

4743 7590 03/13/2006

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EXAMINER
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KIM, ANDREW

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,213	<b>Applicant(s)</b> TESSMER ET AL.	
	<b>Examiner</b> Andrew Kim	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 4/1/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 91,92,94-114 and 117-122 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 91,92,94-114 and 117-122 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/29/04 4/1/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 91-122 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon (U.S. 6,786,824)

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Cannon discloses a method, apparatus and system for providing a player(s) with an opportunity to place a wager for a play of a primary game on a gaming machine, generating a random outcome, wherein if the random outcome is a predetermined outcome, then the player is qualified to play in a feature (bonus) event. The player(s) is

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allowed to accumulate qualification points and may use none, one or more qualification points to be entered into one or more feature events. Cannon additionally discloses:

Regarding Claim 91:

- receiving a wager (402) from a player (Figure 4, Column 3, line 67, and Claim 1);
- displaying an image associated with a primary game (Abstract, Figure 3, Column 3, line 64-Column 4, line 15, Column 7, lines 51-63, and Claim 1);
- determining an outcome of the primary game (Abstract, Figure 3, Column 3, line 64-Column 4, line 15, Column 7, lines 51-63, and Claim 1);
- determining if a qualifying activity (trigger) associated with the primary game has occurred (Abstract, Figure 4, Column 4, lines 1-40, Column 7, line 64-Column 8, line 15, and Claim 1);
- associating at least one entry for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred (Abstract, Figure 4, Column 5, lines 1-37, Column 8, lines 22-25, Column 9, lines 30-45, and Claim 1);
- permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event (Column 5, lines 19-24 and Column 9, lines 30-35);
- receiving a request from the player to initiate a selection of one of the entries (col. 4, lines 37-40) for a first or second shared bonus event (col. 4, lines 16-29);

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- selecting one of the entries from the set of entries for a first shared bonus event (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1);
- determining a winner of the first shared bonus event according to the one of the entries selected (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1);
- if a request was received from the player to initiate the selection of one of the entries from the set of entries for the first bonus event, awarding a payout to the player (col. 6, lines 15-25);
- selecting one of the entries from the set of entries for a second shared bonus event (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1);
- determining a winner of the second shared bonus event according to the one of the entries selected (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1); and
- if a request was received from the player to initiate the selection of one of the entries from the set of entries for the second bonus event, awarding a payout to the player (col. 6, lines 15-25).

Regarding Claim 92:

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- the selection of one of the entries from the set of entries for a second shared bonus event occurs after the selection of the one of the set of entries for a first shared bonus event (Column 5, lines 19-24 and Column 9, lines 30-35).

Regarding Claim 94:

- storing the at least one entry in association with the player (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36).

Regarding Claim 95:

- associating the at least one entry with a gaming entity while the player is at a first gaming machine (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36 );
- storing the at least one entry in association with the player (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36 ); and
- placing the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second bonus event while the player is at a second gaming machine (Column 5, lines 19-24 and Column 9, lines 30-35).

Regarding Claim 96:

- placing the at least one entry with the set of entries for a first shared bonus event (Figure 4); and

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- removing (deferring) the at least one entry from the set of entries for a first shared bonus event (Figure 4).

Regarding Claim 97:

- placing the at least one entry with one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event at a later time (Column 5, lines 19-24 and Column 9, lines 30-35).

Regarding Claim 98:

- placing the at least one entry with the set of entries for a first shared bonus event while the player is at a first gaming machine (Abstract, Figure 4, Column 5, lines 1-37, Column 8, lines 22-25, Column 9, lines 30-45, and Claim 1).
- removing (deferring) the at least one entry from the set of entries for a first shared bonus event while the player is at a first gaming machine (Figure 4); and
- placing the at least one entry with one of the set of entries for a first shared bonus event and the set of entries for a second shared bonus event while the player is at a second gaming machine (Column 5, lines 19-24 and Column 9, lines 30-35).

Regarding Claim 99:

- identifying the player uniquely (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36); and

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- storing the at least one entry in association with the uniquely identified player (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36).

Regarding Claim 100:

- storing the at least one entry in association with the uniquely identified player in a centralized location (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36).

Regarding Claim 101:

- depositing a portion of the wager into a prize pool to be provided to the winner of one of the first shared bonus event and the second shared bonus event (Column 9, lines 30-35, Column 11, lines 1-49, Column 13, lines 15-44, Column 18, line 51-Column 19, line 8).

Regarding Claim 102:

- receiving another wager from the player (Column 5, lines 19-24 and Column 9, lines 30-35); and
- depositing a portion of the another wager into the prize pool to be provided to the winner of one of the first shared bonus event and the second shared bonus event (Column 9, lines 30-35, Column 11, lines 1-49, Column 13, lines 15-44, Column 18, line 51-Column 19, line 8).

Regarding Claim 103:

- receiving wagers from other players (Column 5, lines 19-24 and Column 9, lines 30-35 ); and



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- depositing a portion of the wagers received from the other players into the prize pool to be provided to the winner of one of the first shared bonus events and the second shared bonus event (Column 9, lines 30-35, Column 11, lines 1-49, Column 13, lines 15-44, Column 18, line 51-Column 19, line 8).

Regarding Claim 104:

- determining if another qualifying activity (trigger) associated with the primary game has occurred (Abstract, Figure 4, Column 4, lines 1-40, Column 7, line 64-Column 8, line 15, and Claim 1);
- associating at least one additional entry for a shared bonus event with the gaming entity if the another qualifying event associated with the primary game has occurred (Column 5, lines 1-24); and
- permitting the player to place the at least one additional entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event (Column 5, lines 1-24).

Regarding Claim 105:

- repeating the steps of determining if another qualifying associated with the primary game has occurred, associating at least one additional entry, and permitting the player to place the at least one additional entry so long as the player is playing the primary game (Column 5, lines 1-24).

Regarding Claim 106:

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- associating a plurality of entries for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred, the plurality of entries associated being proportional to the wager received (Column 5, lines 1-24).

Regarding Claim 107:

- associating a plurality of entries for a shared bonus event with a gaming entity if the qualifying activity associated with the primary game has occurred, the plurality of entries associated being disproportionate to the wager received (Column 5, lines 1-24).

Regarding Claim 108:

- determining if qualifying activities (trigger) associated with primary games played by other players have occurred (Abstract, Figure 4, Column 4, lines 1-40, Column 7, line 64-Column 8, line 15, and Claim 1);
- associating entries for a shared bonus event with other gaming entities if the qualifying activities associated with the primary games played by other players have occurred (Abstract, Figure 4, Column 5, lines 1-37, Column 8, lines 22-25, Column 9, lines 30-45, and Claim 1);
- placing a portion of the entries associated with other gaming entities with the set of entries for a first shared bonus event (Column 5, lines 19-24 and Column 9, lines 30-35); and

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- placing a portion of the entries associated with other gaming entities with the set of entries for a second shared bonus event (Column 5, lines 19-24 and Column 9, lines 30-35).

Regarding Claim 109:

- the gaming entity comprises the player (Abstract, Figure 4, Column 5, lines 1-37, Column 8, lines 22-25, Column 9, lines 30-45, and Claim 1).

Regarding Claim 110:

- the gaming entity comprises a gaming machine (Abstract, Figure 4, Column 5, lines 1-37, Column 8, lines 22-25, Column 9, lines 30-45, and Claim 1).

Regarding Claim 111:

- the qualifying activity comprises one of a predetermined time, a passage of a fixed time interval, a particular game outcome (trigger), a placement of a selected number of wagers, and a placement of a wager of a certain amount (Column 8, lines 34-59).

Regarding Claim 112:

- determining if a first shared bonus event trigger (408) has occurred (Figure 4 and Column 17, lines 1-67);
- selecting one of the entries from the set of entries for a first shared bonus event if the first shared bonus event trigger has occurred (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, Column 17, lines 1-67, and Claim 1 );

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- determining if a second shared bonus event trigger has occurred (Figure 4 and Column 17, lines 1-67); and
- selecting one of the entities from the set of entries for a second shared bonus event if the second shared bonus event trigger has occurred (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, Column 17, lines 1-67, and Claim 1).

Regarding Claim 113:

- the first shared bonus event trigger is different than the second shared bonus event trigger (Column 8, lines 34-59 and Column 9, lines 20-29).

Regarding Claim 114:

- the first and second shared bonus triggers comprise at least one of a predetermined time, a passage of fixed time interval, a particular game outcome, a number of times a game is played, a placement of a certain wager, and a prize pool reaching a certain value (Column 8, lines 34-59).

Regarding Claim 117:

- providing a prize to the winner of at least one of the first and second shared bonus events at a gaming machine (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1).

Regarding Claim 118:

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- providing a credit amount to the winner of the at least one of the first and second shared bonus events at a gaming machine (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1).

Regarding Claim 119:

- providing one of a token and a ticket to the winner of the at least one of the first and second shared bonus event at a gaming machine, the one of a token and a ticket being associated with a value prize (Abstract, Figure 4, Column 4, lines 16-40, Column 5, lines 1-24, Column 8, lines 17-33, Column 9, line 36-Column 10, line 5, and Claim 1).

Regarding Claim 120:

- associating a value prize with one of a player tracking account and a player tracking card of the winner of at least one of the first and second shared bonus events at a gaming machine (Column 2, lines 20-24, Column 10, lines 15-30, Column 15, lines 54-65, and Claim 36).

Regarding Claim 121:

- the primary game is at least one of a reel-type game, a card game, a bingo game, a keno game, a raffle game and a lottery game (Abstract, Figure 3, Column 3, line 64-Column 4, line 15, Column 7, lines 51-63, and Claims 1 and 29).

Regarding Claim 122:

- the primary game is a slots game (Abstract, Figure 3, Column 3, line 64-Column 4, line 15, Column 7, lines 51-63, and Claims 1 and 29).

### ***Response to Arguments***

Applicant's arguments filed 4/1/05 have been fully considered but they are not persuasive.

Regarding a request from the player to initiate a selection, the applicant is directed to col. 4 lines 37-40 wherein "qualification may depend in part on whether or not the player has placed a wager of a predetermined value," or col. 5, lines 1-24 where Cannon discloses requesting (initiating/wagering) a horse (selection) in a race (shared bonus event). By placing a predetermined wager, the player is requesting to initiate a selection in a bonus event.

Regarding Cannon teaching or not teaching if a request was received from the player to initiate the selection of one of the entries from the set of entries for the first bonus event or second bonus event and awarding a payout to the player, the first or second bonus event can be a combination of a live contest, a reenacted live contest, or a future feature contest (col. 4, lines 16-18). Awarding a payout to the player if the player wins is an obvious result and is disclosed in col. 6, lines 18-21.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

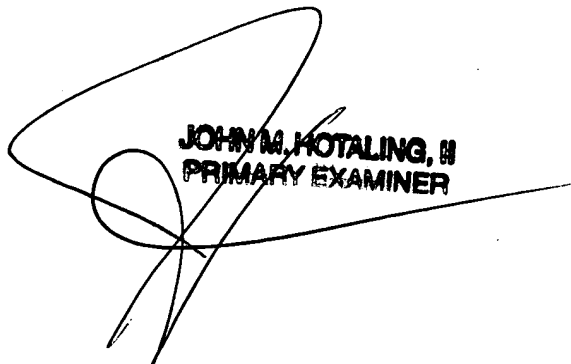
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 3/6/2006

  
**JOHN M. KOTALING, II**  
**PRIMARY EXAMINER**